

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

2-14-1881

Arthur J. Carrier.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 231, 46th Cong., 3rd Sess. (1881)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

ARTHUR J. CARRIER.

FEBRUARY 14, 1881.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. POUND, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 6946.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6946) for the relief of Arthur J. Carrier, have considered the same, and respectfully report the same back with amendments, and recommend its passage when so amended.

Amend printed bill by striking out all after the enacting clause down to and including the word "and"; in lieu of which insert the word *that* in the seventeenth line, and the words *the said* in the eighteenth line, and adding at the end of said printed bill the following, to wit: "*And the further sums of \$375 for salary as such agent for the first quarter of the year 1876, and \$116.55 for expenses incurred from January 24 to March 28 in traveling upon official business; in all, \$2,805.15. The same to be in full settlement and satisfaction of said claimant's account as Indian agent.*"

In support of the conclusions here reported, your committee submit the following, in response to inquiries addressed to the honorable Secretary of the Interior by the subcommittee to whom this bill was referred, to wit:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1881.

SIR: Agreeably to the request of the Committee on Indian Affairs, as expressed in letter of the 24th instant, inclosing H. R. No. 6946 "For the relief of A. J. Carrier," I have the honor to invite your attention to the inclosed copy of report dated the 27th instant, from the Office of Indian Affairs, to which the subject was referred.

The department concurs in the views and recommendations of the Indian Office.

I am, sir, very respectfully,

C. SCHURZ, Secretary.

Hon. T. C. POUND,
Chairman Subcommittee of House Committee on Indian Affairs.

A true copy:

A. H. GALLAWAY,
Clerk House Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington January 27, 1881.

The honorable the SECRETARY OF THE INTERIOR:

SIR: I am in receipt, by department reference of the 25th instant, of House bill No. 6946 for the relief of A. J. Carrier, late United States Indian agent at the Ponca Agency, Dakota Territory, received from the Committee on Indian Affairs for report and recommendation.

The bill in question is composed of three (3) separate items.

1st. An item covering a payment made to employes during the fiscal years 1875 and 1876, in excess of the minimum amount allowed by law, viz, six thousand (6,000) dollars per annum.

2d. One covering certain suspensions remaining against his accounts on the books of this office.

3d. One covering advances made by the said agent from private funds.

In regard to the first item, I have to say that the suspension of the amount involved was not made in this office, but by the Hon. Second Comptroller of the Treasury. In the examination of the accounts of late Agent Carrier by this office, the amounts disbursed by him for employes were allowed in view of the fact that more than the difference between the amount allowed (\$6,000) and the amount expended was paid to Indian employes, and that there is no question but that the Indians who were employed derived the exclusive benefit of the expenditure made in excess of the minimum. And in view of the further fact that the law establishing the minimum had but recently passed, and the necessary steps to reduce the employes at agencies where the amount allowed was exceeded, or, on the other hand, to secure the necessary approval of the Hon. Secretary of the Interior for such excess, was in many cases neglected, both on the part of the office and the agent.

The second item of sixty-one dollars and twenty-five cents (\$61.25) is composed of three distinct charges: 1st, a charge of thirty dollars (\$30) for amount paid to attorneys engaged in the defense of an Indian belonging to the Ponca tribe, and which payment was in violation of section 189, U. S. Revised Statutes; 2d, a charge of twenty-five dollars (\$25) paid to David Le Clair for services as laborer, said Le Clair being also paid for the same time as interpreter, which was in violation of section 1764, U. S. Revised Statutes. It is proper, however, to say that the services for which payment was thus made are claimed by Agent Carrier to have been rendered under his predecessor, but that the payment was made by him upon the statement of said predecessor that the amount was actually due.

3d. A charge of \$6.25 for expenses incurred by the agent, for himself and three Indians, in attending a concert at Springfield, Dakota, and which payment was not deemed a proper charge against the government.

Mr. Carrier claims that the expenditure was incurred for the purpose of showing the Indians the difference between their mode of enjoying themselves and that of the whites, and that the effect of their attendance at said concert was very beneficial.

The third item of two thousand and three hundred and thirteen and $\frac{1}{10}$ (2,313.6) dollars, which amount was advanced by late Agent Carrier, and was disallowed by this office, as being in violation of the regulations of the Hon. Second Comptroller, said regulations being as follows: "No credits will hereafter be allowed to disburse officers for payments, under an appropriation over and above the amount received by him under that head, when such appropriation shall have been exhausted at the time of settlement of his accounts."

There is no doubt but that the amount thus involved, the principal part of which was for cash annuity payment to the Ponca Indians, was actually disbursed by Mr. Carrier.

The vouchers presented by him covering the same are properly made out, receipted and certified to, and there has never been any question on the part of this office as to the equity of the claim thus made; but in view of the direct violation of the regulations, above referred to, and of the fact that the appropriation was exhausted, no relief could be granted except that now proposed, viz, by act of Congress.

In view of the foregoing statements, I have the honor to recommend that the favorable action of Congress be recommended, as regards the first and third items contained in House bill 6946, and that no recommendation be made as to the second item of sixty-one $\frac{1}{10}$ (\$61.25) dollars, but that said item be left for such action by Congress as it may deem wise, upon consideration of the facts hereinbefore stated relative thereto. The letter from the Committee on Indian Affairs, with its inclosures, is herewith returned.

Very respectfully,

E. M. MARBLE,
Acting Commissioner.

I certify that the foregoing is a true copy of the official letter.

A. H. GALLAWAY,
Clerk House Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Feb. 8th, 1881.

SIR: In connection with the bill now pending before Congress (H. R. 6946) for the relief of Arthur J. Carrier, late agent of the Ponca Indians, you are advised that there

is due and unpaid the said Carrier the sum of \$375.00 for salary as such agent, for the 1st quarter, 1876; and the further sum of \$116.55 (\$18.25 having been disallowed as not a proper charge) for expenses incurred from January 24 to March 28, 1876, in traveling upon official business, and that there are no funds appropriated applicable to the payment thereof.

Very respectfully,

E. M. MARBLE,
Acting Commissioner.

Hon. THAD. C. POUND,
House of Representatives, City.

The foregoing explains the ground of the claimant's case, as presented in the bill under consideration.

Your committee are informed that upon a rehearing the accounting-officers of the Treasury have allowed and directed to be credited to the claimant the sum first named in this bill, to wit, \$4,329.91; and conforming to the action of the department with reference to the second item, to wit, \$61.25, both are eliminated from the bill by the amendment proposed. Thus there is to be appropriated by the bill, as amended, the sum of \$2,805.15, made up of items represented by the Secretary of the Interior to be equitably due the claimant, and for the payment of which no provision has heretofore been made, to wit, \$2,313.60 advanced by said agent in first quarter 1876, \$375 for salary, and \$116.55 for traveling expenses of such agent during the first quarter of 1876.

The justness of this claim is further fully supported by facts and vouchers presented to your committee; its settlement having been denied wholly on technical grounds by the accounting officers of the Treasury.

This officer seems not only to have been faithful, but generous towards the government and the Indians, advancing from his own scanty means money to pay annuities due and other necessary expenses, in anticipation of funds for which he had forwarded the proper estimates to the department, and the expenditure being held to be in violation of the regulations of the Second Comptroller, was arbitrarily denied in settlement.

Between man and man Mr. Carrier would be entitled to, and could collect, interest on the amount thus advanced, but your committee have limited the bill to the amount originally paid out by the claimant, and recommend favorable action by the House.

○